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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,017	02/23/2004	Paul Krzyzanowski	2100.0070001/TCF	7500
26111	7590	05/25/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,017

Applicant(s)

KRZYZANOWSKI ET AL. *JK*

Examiner

Vernal U. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Paul Krzyzanowski et al. for Device Control System, Method, and Apparatus filed February 23, 2004 has been examined. Claims 1-51 are pending.

Drawings

The informal drawings of figure 7, 8, and 9 are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-4, 11, 15-16, 18, 20, 21, 24-25, 27-29, 31, 32, 38, 40-42, and 44-51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. US Patent 6563430 in view of Stahl et al. US Patent 6665020.

Regarding claims 1 and 15, Kemink et al. teaches a method for controlling a consumer electronic device, comprising: accessing metadata (metadata is provided by the context sensitive information for controlling an appliance) related to unique control behaviors of the consumer electronic device stored in information source 240 (col. 2 lines 55-61, col. 3 lines 61-66); associating a command for controlling consumer electronic devices with one or more command codes selected from a predefined set of command codes for the consumer electronic device (col. 3 lines 31-35), wherein said one or more command codes are selected based on the information regarding the (metadata) electronic device (col. 3 lines 35-60); executing the command, wherein executing said universal command comprises transmitting said one or more command codes to the consumer electronic device (col. 3 line 61-col. 4 line 22). Kemink et al. teaches the use of a universal remote control (col. 7 lines 26-32) but is however silent on teaching the remote control commands are universal. Stahl et al. in an art related remote control device teaches the use of universal remote control commands to control a plurality of devices (col. 8 lines 15-27) in order to provide some level of interoperability for exchanging audio and video signal.

It would have been obvious to one of ordinary skill in the art to transmit universal commands in Kemink et al. as evidenced by Stahl because Kemink et al. suggests sending remote control commands for controlling a plurality of devices and Stahl teaches the use of

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universal remote control commands to control a plurality of devices in order to provide some level of interoperability for exchanging audio and video signal.

Regarding claim 2, Kemink et al. teaches the command is executed in response to a user input (col. 3 lines 38-44).

Regarding claim 3, Kemink et al. teaches executing the command in response to reaching a predetermined time (col. 4 lines 34-45).

Regarding claim 4, Kemink et al. teaches executing the command in response to the action of entering or leaving (col. 4 lines 45-50).

Regarding claim 11, Kemink et al. teaches accessing the predefined set of command codes for the consumer electronic device (col. 3 lines 61-64).

Regarding claims 16 and 18, Kemink et al. teaches an IR transmitter (col. 7 lines 6-8).

Regarding claim 20, Kemink et al. teaches a database (220) for storing command codes (col. 7 line 64-col. 8 line 6). The database inherently includes memory.

Regarding claim 21, Kemink et al. teaches the database is access over the network (figure 1).

Regarding claims 24-25, Kemink et al. teaches the predetermined set of command is access via the network interface (col. 7 line 58-col. 8 line 6).

Regarding claims 27, 38, and 40, Kemink et al. teaches a transmitting user input related to the metadata to a host that maintains the database via a database user interface by accepting the commands based on the supplied information (col. 10 lines 47-53).

Regarding claims 28, 41, and 46, Kemink et al. teaches a system, comprising: a consumer electronic device (210); a server (col. 2 lines 33-36), said server including a database that stores a

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predefined set of command codes for said consumer electronic device and metadata (context information) related to unique control behaviors of said consumer electronic device (col. 2 lines 30-35, col. 4 lines 2-15); and a remote control unit (100) communicatively connected to said consumer electronic device and to said server via a network; wherein said remote control unit is adapted to receive said predefined set of command codes and said metadata from said server, to associate a universal command for controlling consumer electronic devices with one or more command codes selected from said predefined set of command codes for said consumer electronic device (col. 4 lines 2-22). Kemink et al teaches the command codes are selected based on said metadata, and to execute said universal command in response to user input, wherein executing said universal command comprises transmitting said one or more command codes to associate a universal command for controlling consumer electronic devices with one or more command codes selected from said predefined set of command codes for said consumer electronic device (col. 4 lines 2-22). Kemink et al teaches the command codes are selected based on said metadata, and to execute said universal command in response to user input, wherein executing said universal command comprises transmitting said one or more command codes to said consumer electronic device (col. 4 lines 9-22). Kemink et al. teaches the use of a universal remote control (col. 7 lines 26-32) but is however silent on teaching the remote control commands are universal. Stahl et al. in an art related remote control device teaches the use of universal remote control commands to control a plurality of devices (col. 8 lines 15-27) in order to provide some level of interoperability for exchanging audio and video signal.

It would have been obvious to one of ordinary skill in the art to transmit universal commands in Kemink et al. as evidenced by Stahl because Kemink et al. suggests sending

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remote control commands for controlling a plurality of devices and Stahl teaches the use of universal remote control commands to control a plurality of devices in order to provide some level of interoperability for exchanging audio and video signal.

Regarding claims 29 and 42, Kemink et al. teaches is communicatively connected to the consumer electronic device via an infrared (1R) link (col. 7 lines 3-8).

Regarding claims 31 and 44, Kemink et al. teaches the consumer electronic comprises a television (col. 7 line 26).

Regarding claims 32 and 45, Kemink et al. teaches the remote control device (100) is considered a PDA because it is a portable personal device.

Regarding claim 47, Kemink et al. teaches the command codes for the consumer electronic device comprises a predefined set of infrared (1R) command codes (col. 7 lines 3-8).

Regarding claims 48-49, Kemink et al. teaches changing the channel of the television (col. 4 lines 23-30). The television must be in the correct input state (On state) in order to operate the channel selection button of the remote control. Kemink et al. also teaches the remote control device providing the option to turn the television on (col. 4 lines 30-33).

Regarding claims 50-51, Kemink et al. teaches providing additional set of commands that includes programming the television to turn on and/or off at a particular time (col. 5 lines 5-25).

Claims 5-7, 12, 32, 33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. US Patent 6563430 in view of Stahl et al. US Patent 6665020 and further in view of Goldstein 5410326.

Regarding claims 5-6, 12, 32-33, 35 Kemink et al. in view of Stahl et al teaches the remote control has a wireless interface (col. 7 lines 6-12) and the remote control accesses data over the network (col. 6 lines 38-40) but is silent on teaching wirelessly accessing a database that stores the metadata and establishing a wireless connection with a local area network.

Goldstein in an art related remote control teaches a remote control receiving control codes over a local area network (col. 14 lines 56-66) and the remote control communicate over the network using a wireless interface evidenced by the use of antenna (col. 12 lines 23-33).

It would have been obvious to one of ordinary skill in the art to wirelessly access the database that stores the metadata and establishing a wireless connection with a local area network in Kemink et al. in view of Stahl et al. as evidenced by Goldstein because Kemink et al. in view of Stahl et al. suggests accessing the database over a network and Goldstein teaches a remote control receiving control codes over a local area network and the remote control communicate over the network using a wireless interface in order to allow the control codes to be downloaded from different locations.

Regarding claims 7, 36, Kemink et al. in view of Stahl et al teaches the remote control has a wireless interface (col. 7 lines 6-12) and the remote control accesses data over the network (col. 6 lines 38-40) but is silent on teaching establishing a wireless connection with a wide area network. Goldstein in an art related remote control teaches accessing the database of control codes using a telephone (col. 13 lines 47-50). The telephone network is considered a wide area network.

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It would have been obvious to one of ordinary skill in the art to establishing a wireless connection with a wide area network in order to access the database in Kemink et al. in view of Stahl et al. as evidenced by Goldstein because Kemink et al. in view of Stahl et al. suggests accessing the database over the network and Goldstein teaches accessing the database of control codes over a wide area network in order to enable the data base to be access from any area where there is a wide area access point.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. US Patent 6563430 in view of Stahl et al. US Patent 6665020 and further in view of Goldstein 5410326 and further in view of Teramoto et al. US Patent 6885643.

Regarding claim 8, Kemink et al. in view of Stahl et al. in view of Goldstein teaches accessing a database (*see response to claim 1*) but is silent on teaching performing wireless communication in accordance with an IEEE 802.11 protocol. Teramoto et al. in an art related invention for efficient data flow teaches the use of IEEE 802.11 protocol in a wireless network (col. 22 lines 35-37) in order to enable efficient data flow.

It would have been obvious to one of ordinary skill in the art to performing wireless communication in accordance with an IEEE 802.11 protocol in Kemink et al. in view of Stahl et al. in view of Goldstein as evidenced by Teramoto et al. because Kemink et al. in view of Stahl et al. in view of Goldstein suggests wirelessly accessing a database and Teramoto et al. teaches the use of IEEE 802.11 protocol in a wireless network in order to enable efficient data flow.

Regarding claim 10, Kemink et al. teaches a transmitting user input related to approval of the metadata to a host that maintains the database via a database user interface by accepting the commands based on the supplied information (col. 10 lines 47-53).

Claims 9, 13-14, 23, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. US Patent 6563430 in view of Stahl et al. US Patent 6665020 in view of Goldstein US Patent 5410326 and further in view of Kubo et al. US Patent 6267678.

Regarding claims 9, 13, 37, 39, Kemink et al. in view of Stahl et al. teaches a database for maintaining the set of command (col. 3 lines 31-35) but is silent on teaching transmitting user input related to errors in the predefined set of command. Kubo et al. in an art related remote control system teaches detecting errors in downloaded control commands and the user initiate the repeat of the download process when error is detected (col. 18 lines 18 lines 21-27).

It would have been obvious to one of ordinary skill in the art to transmit a user input related to errors in the predefined set of command in Kemink et al. in view of Stahl et al. as evidenced by Kubo et al. because Kemink et al. in view of Stahl et al. suggests detecting errors in the downloaded control codes and Kubo et al. teaches detecting errors in downloaded control commands and the user initiate the repeat of the download process when error is detected in order to provide a successful transfer of control codes.

Regarding claims 14 and 23, Kemink et al. teaches a transmitting user input related to approval of the metadata to a host that maintains the database via a database user interface by accepting the commands based on the supplied information (col. 10 lines 47-53).

Claims 17, 19, 30, 34, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. US Patent 6563430 in view of Stahl et al. US Patent 6665020 and further in view of Teramoto et al. US Patent 6885643.

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Regarding claims 17, 19, 30, 34, and 43, Kemink et al. in view of Stahl et al. teaches accessing a database (*see response to claim 1*) but is silent on teaching performing wireless communication in accordance with an IEEE 802.11 protocol. Teramoto et al. in an art related invention for efficient data flow teaches the use of IEEE 802.11 protocol in a wireless network (col. 22 lines 35-37) in order to enable efficient data flow.

It would have been obvious to one of ordinary skill in the art to performing wireless communication in accordance with an IEEE 802.11 protocol in Kemink et al. in view of Stahl et al. as evidenced by Teramoto et al. because Kemink et al. in view of Stahl et al. in view of suggests wirelessly accessing a database and Teramoto et al. teaches the use of IEEE 802.11 protocol in a wireless network in order to enable efficient data flow.

Claims 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. US Patent 6563430 in view of Stahl et al. US Patent 6665020 and further in view of Kubo et al. US Patent 6267678.

Regarding claims 26, and 39, Kemink et al. in view of Stahl et al. teaches a database for maintaining the set of command (col. 3 lines 31-35) but is silent on teaching transmitting user input related to errors in the predefined set of command. Kubo et al. in an art related remote control system teaches detecting errors in downloaded control commands and the user initiate the repeat of the download process when error is detected (col. 18 lines 18 lines 21-27).

It would have been obvious to one of ordinary skill in the art to transmit a user input related to errors in the predefined set of command in Kemink et al. in view of Stahl et al. as evidenced by Kubo et al. because Kemink et al. in view of Stahl et al. suggests detecting errors in the downloaded control codes and Kubo et al. teaches detecting errors in downloaded control

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commands and the user initiate the repeat of the download process when error is detected in order to provide a successful transfer of control codes.

Regarding claim 28, Kemink et al. teaches a system, comprising: a consumer electronic device (210); a server (col. 2 lines 33-36), said server including a database that stores a predefined set of command codes for said consumer electronic device and metadata (context information) related to unique control behaviors of said consumer electronic device (col. 2 lines 30-35, col. 4 lines 2- 15); and a remote control unit (100) communicatively connected to said consumer electronic device and to said server via a network; wherein said remote control unit is adapted to receive said predefined set of command codes and said metadata from said server, to associate a universal command for controlling consumer electronic devices with one or more command codes selected from said predefined set of command codes for said consumer electronic device (col. 4 lines 2-22). Kemink et al teaches the command codes are selected based on said metadata, and to execute said universal command in response to user input, wherein executing said universal command comprises transmitting said one or more command codes to said consumer electronic device (col. 4 lines 9-22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
May 18, 2005



BRIAN ZIMMERMAN
PRIMARY EXAMINER